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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,989	07/09/2001	Kenneth S. Price	12748-0004	6871

7590 10/25/2004

Intellectual Property Group  
Bose McKinney & Evans LLP  
2700 First Indiana Plaza  
135 North Pennsylvania Street  
Indianapolis, IN 46204

EXAMINER
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REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/900,989

Applicant(s)

PRICE ET AL.

Examiner

James A. Reagan

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This action is in response to the restriction election filed on 16 August 2004.
2. Claims 1-21 have been withdrawn from consideration.
3. Claims 22-48 have been examined.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 22-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tipton et al. (US 6,097,995 A) in view of Sutcliffe et al. (US 6,052,122 A).

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**Claims 22-28, 39:**

Tipton discloses a waste management and disposal system, inflow and outflow of regulated chemical waste to a plurality of stations (see at least column 3, lines 1-33), utilization of computer networks and database systems (see at least Figures 5a and 5b), and report generation (see at least Figures 67-69 and associated text). Tipton does not specifically disclose a matching mechanism within the database structure. Sutcliffe, however, in at least column 2, lines 30-33 discloses a matching system wherein user are matched according to criteria described by the user by searching through user profiles contained within a database. It would have been obvious to combine the existing waste management systems as taught by Tipton and modify the teachings to include the functionality of database matching techniques as shown by Sutcliffe because the resultant system would solve the problem of efficiently and cost-effectively matching waste producer with waste manager, improving upon the existing matching system of Tipton by more closely matching according to pre-selected criteria.

**Claim 29:**

Tipton includes legislative and regulatory information (see at least column 2, lines 2-3).

**Claims 30, 31:**

Tipton discloses monitoring inflows and outflows (see at least column 3, lines 1-9), inherently disclosing a sensing device. Scheduling/rescheduling of waste removal is an obvious outcome and benefit of constant monitoring.

**Claims 32 and 33:**

Tipton discloses using computer network and database functionality as shown above. Tipton does not specifically disclose profile criteria. Sutcliffe, however, does, and therefore it would be obvious to one of ordinary skill in the art at the time of the invention to utilize the flexibility and efficiency of a database system to match waste producer with waste disposal vendors to efficiently dispose of waste products.

**Claims 34 and 35:**

Tipton discloses monitoring inflows and outflows (see at least column 3, lines 1-9), inherently disclosing a sensing device. Scheduling/rescheduling of waste removal is an obvious outcome and benefit of constant monitoring.

**Claim 36:**

Tipton's use of databases as disclosed above inherently discloses storage of waste processing data.

**Claims 37 and 38:**

Tipton discloses report generation as shown above. Generation of financial reports would be an obvious and necessary inclusion.

**Claims 40-42:**

The combination of Tipton/Sutcliffe as shown above discloses the waste management matching system as claimed by the Applicant. Tipton/Sutcliffe also disclose setting specific criteria for properly matching producer with vendor in order to efficiently manage and dispose of harmful waste products. Although this system inherently discloses evaluation of a vendor's capabilities, and the requirements of the waste producing facility, the combination does not specifically address the step of evaluating or reevaluating the vendors. However, it would have been obvious to one of ordinary skill in the waste disposal arts at the time of the invention to include in the profile matching step the set of criteria that apply to adequately matching processing requirements with disposal capabilities and updating these criteria necessary or required. In addition, practices which reduce waste products while increasing profitability by reducing cost are old and well-known factors in matching consumer with vendor, and the Examiner takes **Official Notice** of this long standing relationship. Reducing pollutants reduces cost and increases profits. In addition, Tipton discloses regulatory standards as shown above, inherently disclosing the necessity for constant evaluation and reevaluation of vendor capabilities.

**Claims 43-48:**

Claims 43-48 recite essentially the same limitations as claims 22-42, and are therefore rejected on the same grounds with the same rationale as shown above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

After Final communications labeled "Box AF"]

**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED"

or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR

19 October 2004

